

Message Text

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PAGE 01 EC BRU 02324 102026Z

ACTION EUR-12

INFO OCT-01 ISO-00 DLOS-06 INT-05 SAL-01 OES-06 AID-05
CEA-01 CIAE-00 COME-00 EB-08 FRB-03 INR-07 NSAE-00
SP-02 STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 FEA-01
EURE-00 ACDA-07 AGRE-00 CEQ-01 CG-00 DODE-00 DOTE-00
EPA-01 ERDA-05 FMC-01 H-01 IO-13 JUSE-00 L-03 NSC-05
NSF-01 PA-01 PM-04 PRS-01 SS-15 USIA-06 /133 W
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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC PRIORITY 3226

INFO ALL EC CAPITALS 3251

AMEMBASSY BERLIN

AMEMBASSY MOSCOW

AMEMBASSY WARSAW

USMISSION USNATO

USMISSION BERLIN

USNMR SHAPE

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E.O. 11652: N/A

TAGS: EEC, UR, EFIS, PLOS

SUBJECT: STATUS OF CONTINUING EC-SOVIET FISHERY NEGOTIATIONS

REFS: (A) BONN 4251;(NOTAL); (B) EC BRUSSELS 1901; (C)
EC BRUSSELS 1661

1. SUMMARY: WHILE SOVIET FISHERY NEGOTIATORS ARE SEEKING
TO AVOID COMING TO GRIPS WITH THE BERLIN CLAUSE AND THE
EC POSITION ON THE OTHER MORE POLITICALLY CONTROVERSIAL
ASPECTS OF A POSSIBLE EC-SOVIET FISHERY AGREEMENT, THEY
ARE CONTINUING TO PRESS NEGOTIATIONS ON OTHER ISSUES.
THE MOST SERIOUS PRACTICAL PROBLEM TO DATE IS SOVIET IN-
SISTENCE ON THE "HISTORICAL RIGHT" TO SURPLUS FISH IN EC
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PAGE 02 EC BRU 02324 102026Z

WATERS WHILE THE EC IS TRYING TO GET SOVIET ACCEPTANCE
THAT THIS IS TO BE A RECIPROCAL AGREEMENT WHICH WOULD TEND
TO PHASE DOWN SOVIET FISHING TO THE SAME LEVEL AS EC FISH-
INT IN SOVIET WATERS. THE SOVIETS HAVE SO FAR RESISTED
EC EFFORTS TO INCLUDE AN ARBITRATION CLAUSE AND HAVE
ASKED TO INCLUDE PROVISIONS FOR A JOINT EC-
SOVIET FISHERY COMMISSION OR BOARD. END SUMMARY.

2. THE SECOND ROUND OF EC-SOVIET FISHERY NEGOTIATIONS WHICH BEGAN MARCH 7 HAS BEEN CATEGORIZED BY EC COMMISSION OFFICIALS AS LONG, DIFFICULT AND INCONCLUSIVE. THE SOVIET DELEGATION HEADED BY FISHERY MINISTER ISHKOV SAID IN THE GENERAL PLENARY ON MARCH 7 THAT THE USSR AGREED WITH THE PRINCIPLES SET FORTH IN THE EC PROPOSED DRAFT TEXT OF THE ENTIRE FRAMEWORK AGREEMENT AND HOPED TO SIGN AN AGREEMENT IN THE NEXT FEW DAYS. HOWEVER, AT THE FIRST MEETING OF THE WORKING GROUP TO WORK OUT THE FINAL TEXT, THE SOVIET SIDE (HEADED BY A PROFESSOR SEMYONOV) PROCEEDED TO TABLE A COMPLETE SOVIET COUNTER-DRAFT WHICH EITHER CHANGED OR IGNORED MOST OF THE POINTS IN THE EC DRAFT. ACCORDING TO OUR SOURCES, THE EC INSISTED THAT NEGOTIATIONS SHOULD PROCEED ON THE BASIS OF THE EC DRAFT TAKING SOVIET PROPOSED CHANGES INTO ACCOUNT AS NEGOTIATIONS PROCEED. DURING THE LONG NEGOTIATIONS WHICH HAVE ENSUED, THE SOVIETS HAVE AVOIDED BEING PINNED DOWN ON MANY CONTROVERSIAL POINTS, SUCH AS THE TERRITORIAL OR "BERLIN" CLAUSE, TITLE OF THE AGREEMENT AND IDENTIFICATION OF THE PARTIES TO THE AGREEMENT BY STATING THAT "OUR POSITION ON THIS MATTER IS WELL KNOWN" AND ASKING THAT CONSIDERATION BE DEFERRED TO PERMIT THE SIDES TO REACH AGREEMENT ON OTHER ASPECTS. THE EC SIDE BELIEVES THAT THIS TACTIC IS WORKING TO SOVIET ADVANTAGE BY SETTling THE MANY SECONDARY ISSUES WHICH THE EC SIDE COULD OTHERWISE HOLD AS HOSTAGE FOR SOVIET ACCEPTANCE OF THE EC'S POSITION ON THE MORE CONTROVERSIAL AND BASIC ISSUES. THEY ARE LIMITED OFFICIAL USE

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PAGE 03 EC BRU 02324 102026Z

SEEKING TO FORCE THE SOVIETS TO STATE THEIR POSITION ON THESE ISSUES AT A PLENARY MEETING WITH MINISTER ISHKOV BEFORE PROCEEDING WITH FURTHER NEGOTIATIONS.

3. ACCORDING TO COMMISSION AND COUNCIL SECRETARIAT SOURCES, THE MOST ACTIVE CONTROVERSY HAS CENTERED ON SOVIET INSISTENCE ON EXPLICIT EC RECOGNITION OF "HISTORICAL" SOVIET FISHING RIGHTS IN THE NEW 200 MILE FISHING ZONES OF THE MEMBER STATES AND OF SOVIET CLAIM TO SURPLUS FISH IN THOSE AREAS. THE SOVIET SIDE IS ALSO ASKING FOR WHAT AMOUNTS TO THE RIGHT TO DETERMINE THROUGH JOINT RESEARCH AND CONSULTATIONS WITH THE EC THE LEVEL OF SURPLUS OF VARIOUS STOCKS AND THE SHARE OF SURPLUS TO BE CAUGHT BY SOVIET FLEETS. THEY ARE PREPARED TO OFFER THE EC IN EXCHANGE THE SAME RIGHT TO FISH SURPLUS IN APPROPRIATE SOVIET WATERS. RATHER THAN THE SOVIET-PROPOSED AGREEMENT GIVING EACH SIDE ACCESS TO POSSIBLE FISH SURPLUS IN EACH OTHER'S WATERS, THE EC IS SEEKING ESSENTIALLY A RECIPROCAL FISHING AGREEMENT PROVIDING FOR

A GRADUAL PHASING DOWN OF SOVIET FISHING IN EC WATERS
TOWARD AN EVENTUAL BALANCE WITH THE SMALLER EC CATCH
IN SOVIET WATERS.

4. THE SOVIET SIDE IS CONSTANTLY PRESSING FOR AN EC
COMMITMENT ON THE ACTUAL VOLUME OF FISH CATCH THE
USSR WILL BE ALLOCATED UNDER THE AGREEMENT. THEY EVERN
PRESSED EC COMMISSION REPRESENTATIVES OUTSIDE THE
PRESENCE OF THE CUSTOMARY OBSERVERS FROM MEMBER STATES
FOR AN ESTIMATE OF THE QUOTAS THEY WILL BE ALLOCATED
UNDER THE AGREEMENT. THE COMMISSION INSISTED THAT THE
USSR MUST FIRST NEGOTIATE THE FRAMEWORK AGREEMENT BEFORE
THERE CAN BE ANY DISCUSSIONS OF ACTUAL QUOTAS.

5. ANOTHER ISSUE IS SOVIET REFUSAL TO ACCEPT INTER-
NATIONAL ARBITRATION IN CASE OF DISPUTE. THE EC IS
INSISTING ON AN ARBITRATION CLAUSE.
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PAGE 04 EC BRU 02324 102026Z

6. COMMISSION OFFICIALS BELIEVE A POTENTIAL DIFFICULTY
REGARDING CONFLICTING NORWEGIAN-SOVIET CLAIMS IN THE
BARENTS SEA OR ANY OTHER CONTROVERSIAL FISHING ZONE
BOUNDARY HAS BEEN AVOIDED BY STIPULATING THAT FISHING
UNDER THE AGREEMENT REFERS TO FISHING ZONES "UNDER THE
JURISDICTION" OF THE USSR OR THE EC.

7. THE SOVIETS HAVE ALSO ASKED FOR A SALMON FISHERY IN
EC WATERS WHICH THE EC HAD NOT BEEN PREPARED TO GRANT.
THIS REQUEST IS BASED UPON SOVIET CLAIM THAT THEY HAVE
STOCKED SOME OF THEIR ARCTIC RIVERS WITH PACIFIC SALMON
WHICH ARE NOW MIGRATING TO EC WATERS OFF SCOTLAND.

8. THE SOVIETS HAVE PROPOSED ESTABLISHMENT OF A JOINT
SOVIET-EC FISHING COMMISSION WHICH EC COMMISSION OFFI-
CIALS BELIEVE WOULD BE SIMILAR TO THE US-SOVIET FISHERIES
BOARD ESTABLISHED IN JANUARY 1973. A COMMISSION
OFFICIAL (SIMMONET) SAID THAT BEFORE THE EC AGREES TO
THIS PROPOSAL IT WILL EXPLORE THE EXPERIENCE OF OTHERS
TO DETERMINE WHETHER SUCH JOINT "BOARDS" WITH THE USSR
ARE USEFUL OR SHOULD BE AVOIDED, PARTICULARLY SINCE
POLAND HAS ALSO ASKED FOR JOINT FISHING COMMISSION AND
THE GDR MAY VERY WELL FOLLOW SUIT.

9. A COMMISSION SOURCE HAS TOLD US THAT, IN THE
MEANTIME, THE SOVIETS, POSSIBLY TO DEMONSTRATE THEIR
GOOD FAITH, HAVE BEEN SCRUPULOUSLY ADHERING TO THE
FISHING LICENSE PROCEDURES ESTABLISHED THROUGH THE UK
AND HAVE CUT BACK THEIR FISHING FLEET OPERATING IN EC
WATERS TO THE PERMISSIBLE MAXIMUM. HINTON

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